

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DELORES PRINCE,

Plaintiff,

-against-

RONALD PIERSON, JR., et al.,

Defendants.

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ORDER

No. 22-CV-00308 (PMH)

PHILIP M. HALPERN, United States District Judge:

Counsel for all parties appeared by telephone for a case management conference on April 25, 2023. The Court previously issued an Order on August 8, 2022 directing the parties to, by August 22, 2022, either stipulate to the dismissal of certain claims and affirmative defenses or to file a letter detailing a good faith basis for retaining them. (*See* Aug. 8, 2022 Min. Entry). Neither party responded to the August 8, 2022 Order or otherwise communicated with the Court until February 2023.

At the conference today, Defendants stipulated on the record to withdraw their affirmative defenses of (i) failure to join a necessary party; and (ii) lack of personal jurisdiction. The Court hereby strikes those affirmative defenses set forth in Defendants' answer (Doc. 1-1) on Defendants' consent.

After hearing from the parties, for the reasons stated and as discussed on the record, the Court directed Plaintiff to file a letter via ECF by April 28, 2023 at 5:00 p.m.:

- (1) Explaining why Plaintiff disregarded the August 8, 2022 Order; and
- (2) Detailing a good faith basis for why (i) Intex Services, LLC; (ii) Intex Construction, Inc.; and (iii) Intex Ltd. are proper defendants in this case.

Plaintiff's failure to comply with any aspect of this Court's Order may result in dismissal

of this case for want of prosecution pursuant to Federal Rule of Civil Procedure 41(b).

Discovery in this matter concluded on March 15, 2023. Because neither party timely sought leave to move for summary judgment, this matter is proceeding to trial. The parties are directed to meet and confer and file pretrial materials in accordance with the Court's Individual Practices Rules 6(A) and (B) by June 28, 2023. The parties are on five days' trial notice as of June 29, 2023.

No adjournments of the aforementioned dates will be granted.

Dated: White Plains, New York
April 25, 2023

SO ORDERED:



Philip M. Halpern
United States District Judge